

IN THE CIRCUIT COURT OF TENNESSEE AT COVINGTON  
THE TWENTY-FIFTH JUDICIAL DISTRICT

STATE OF TENNESSEE,  
Appellee,

VS:

CAUSE NO. 6030

MICHAEL W. PARSONS,  
Appellant.

TRANSCRIPT OF SENTENCING HEARING  
JANUARY 8, 2010

 **COPY**

THE HONORABLE JOE H. WALKER, PRESIDING JUDGE

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1                   IN THE CIRCUIT COURT OF TIPTON COUNTY, TENNESSEE  
2                   -----

3           STATE OF TENNESSEE,  
4                   Appellee,

5           VS:

CAUSE NO. 6030

6           MICHAEL PARSONS,  
7                   Appellant.  
8           -----

9                   This cause came on to be heard and was heard  
10           on Friday, the 8th day of January 2010, before the  
11           Honorable Joe H. Walker, Judge, holding the Circuit  
12           Court for Tipton County, at Covington, Tennessee.

13                   The following proceedings were had, to wit:

14                               \* \* \* \* \*

15                   THE COURT: State versus Parsons, are you  
16           ready on that matter?

17                   MR. WITHERINGTON: Yes, sir, I'm ready, Your  
18           Honor.

19                   Your Honor, before we begin the sentencing,  
20           Mr. Parsons has asked that I raise two objections on  
21           his behalf to the proceedings; one being that he  
22           objects to being sentenced to any jail time as a result  
23           of being denied the right to counsel under Argersinger  
24           v Hamlin, which states that if you are denied the right  
25           to counsel, that it's inappropriate to be sentenced to

1 jail time under such circumstances.

2 The second objection, Your Honor, is one that  
3 I believe he's made already; that he had asked Your  
4 Honor to recuse himself earlier, and he just wanted to  
5 make sure that that was a part of the record, that he  
6 had made that request

7 THE COURT: Okay. General.

8 GENERAL FREELAND: Your Honor, Mr. Parsons has  
9 been represented by Mr. Witherington, now the fourth  
10 attorney, I think. The public defender had a conflict,  
11 but the other attorneys, Mr. Robbins and Ms. Mills,  
12 with whom Your Honor is well familiar, and we've been  
13 through this on numerous occasions, tried their best to  
14 represent Mr. Parsons. And had he listened to them, I  
15 suggest he probably wouldn't be in the orange jump suit  
16 he is wearing today.

17 So he's had attorneys. He just hasn't  
18 listened to them. So we think that is not well  
19 founded, that Motion.

20 THE COURT: The Court has addressed both of  
21 those issues already. I'll be glad to address them  
22 again if need be. But today is the sentencing hearing.

23 Mr. Parsons' reason for recusal is, shortly  
24 before trial date, the day before trial date, he filed  
25 a civil lawsuit naming a number of people involved in

1 the judicial process, and I guess takes the opinion  
2 that he can sue civilly the people involved and  
3 therefore can no longer be prosecuted. But the Court  
4 didn't feel like there was a reason for recusal and  
5 still doesn't.

6 And the defendant has had attorneys appointed.

7 Are you representing him today?

8 MR. WITHERINGTON: Yes, sir, Your Honor.

9 THE COURT: All right. Are you ready to  
10 proceed?

11 MR. WITHERINGTON: Yes, sir, I am, Judge.

12 THE COURT: The defendant was convicted by a  
13 jury of three felony offenses and two misdemeanor  
14 offenses. The State has filed a Board of Probation and  
15 Parole Investigation Report. Have you been over that  
16 with your client?

17 MR. WITHERINGTON: Yes, sir, I have. And  
18 there are two corrections. They are relatively minor  
19 in the grand scheme of things, but they are corrections  
20 nonetheless.

21 One is as to his educational background. Your  
22 Honor, he does make a notation he has a degree in  
23 mechanical engineering. It said that independent  
24 verification was not requested due to his age, but he  
25 did want that a part of his presentence report, that he

1 does have that degree in mechanical engineering.

2 And one additional, Your Honor, under military  
3 information, he was a part of -- it does indicate he  
4 was a part of Civil Air Patrol from 1992 to 1994, and  
5 it states in here that he reports no military history.  
6 He's indicated that that is, in fact, military.

7 Those are the only corrections, Your Honor.

8 THE COURT: Okay.

9 MR. WITHERINGTON: Otherwise, we stipulate to  
10 its accuracy.

11 THE COURT: The Court, then, will accept the  
12 presentence report by stipulation, unless the State  
13 wants to put on the officer.

14 GENERAL FREELAND: No, sir. I don't even know  
15 that there's any disagreement, other than I assumed  
16 that "civil" meant not military. But it is not worth  
17 quibbling about.

18 MR. WITHERINGTON: He indicated that he had  
19 military ID and it was federally funded, Your Honor,  
20 and wanted that notation made.

21 THE COURT: Okay. The Court, then, accepts  
22 the report by agreement.

23 Included in the report is the victim impact  
24 statement, which the Court has read, and a statement by  
25 the defendant, which the Court has read.

1 Does the State have any other witnesses?

2 GENERAL FREELAND: Are Mr. King or Mr. Laxton  
3 here? Or anybody that wishes to be heard?

4 (No response.)

5 GENERAL FREELAND: Your Honor, we'll rely on  
6 the victim impact statements as they're included in the  
7 investigation report and on the facts that came out in  
8 the trial itself.

9 THE COURT: Mr. Witherington.

10 MR. WITHERINGTON: Your Honor, if I could  
11 begin by introducing two exhibits. One is a set of  
12 letters. If I could make this a collective exhibit?

13 THE COURT: Yes, sir.

14 GENERAL FREELAND: Could I see that?

15 MR. WITHERINGTON: The other exhibit, Your  
16 Honor, would be his Diversion Eligibility Certificate  
17 from the Tennessee Bureau of Investigation.

18 (Exhibit Number 1, letters, was  
19 marked and admitted as evidence.)

20 (Exhibit Number 2, Diversion  
21 Eligibility Certificate, was marked  
22 and admitted as evidence.)

23 MR. WITHERINGTON: Your Honor, what I believe  
24 now has been marked as Exhibit 1 is a set of letters  
25 that Mr. Parsons collected from various members of the



1 community and on his behalf. And particularly  
2 pointing, I placed on top the letter of Mr. Hess, a  
3 retired Navy officer.

4 And, Your Honor, I filed also a Motion to  
5 Grant Judicial Diversion, with a Memorandum in support,  
6 and that, of course, is what we are requesting of the  
7 Court today.

8 And in terms of proof, I'd like to put on  
9 Mr. Parsons first, if I could.

10 THE COURT: All right, sir.

11 (Witness sworn.)

12 MR. WITHERINGTON: Your Honor, I've just been  
13 handed one additional letter. I apologize to the  
14 Court. If we could make this a part of Exhibit 1.  
15 It's one additional letter from a close friend.

16 THE COURT: Yes, sir.

17 THE WITNESS: Your Honor. Your Honor.

18 MR. WITHERINGTON: It's Ms. Vernie Cubing.

19 THE COURT: I'll add it to this exhibit.

20 If you will take care of that, please.

21 THE COURT REPORTER: Yes, sir.

22 MR. WITHERINGTON: May I proceed, Your Honor?

23 THE COURT: Yes, sir. The last document that  
24 you handed up was added to Exhibit 1. Okay.

25 MR. WITHERINGTON: Thank you, Your Honor.

1 THE COURT: Yes, sir.

2

3 DEFENDANT'S PROOF

4 MICHAEL PARSONS,

5 having been duly sworn, was examined and testified as  
6 follows:

7 DIRECT EXAMINATION

8 BY MR. WITHERINGTON:

9 Q. Would you state your name?

10 A. Michael Parsons. And I've left my glasses  
11 over on the desk. I'm sorry.

12 Q. And how old are you, Mr. Parsons?

13 A. 48.

14 Q. And where do you reside now?

15 A. Hughes Road, Brighton, Tennessee.

16 Q. Okay. Do you live on -- is it a farm?

17 A. It's farmland. We have a house, and we do hay  
18 farming.

19 Q. You have some acreage there; is that correct?

20 A. Yes.

21 Q. Okay. And if we could go through some of your  
22 social history. What do you do for a living?

23 A. I do a lot. I have a business as a  
24 professional home inspector. I'm a consultant. I do  
25 work for the public, inspecting homes, commercial

1 buildings. I act as expert witness from time to time  
2 in the court system, advising litigants regarding the  
3 condition of homes, if contractors did the job, if they  
4 didn't do the job.

5 I'm also a licensed general contractor, more  
6 of a consulting, paper pushing, as opposed to actually  
7 driving nails type of job.

8 Again the hay farming business.

9 And up until recently, for the last year I was  
10 a radio talk show host of a station in Millington,  
11 Tennessee, doing a ministry of sorts for the public.

12 Q. Okay. What are your hobbies and interests? I  
13 know you mentioned the radio show.

14 A. Most of my time is spent with my animals.  
15 I've spent the last 30-some-odd years raising wolf  
16 hybrids, dealing with wolves, working with zoos. I  
17 worked with the relocation effort back in '95 to bring  
18 wolves from Canada to Yellowstone. I was somewhat  
19 instrumental in getting the program out at the zoo, the  
20 Teton Trek, to include the wolves.

21 Former relations with the former curator at  
22 the zoo, he used to buy hay from us, and he would come  
23 out and enjoy seeing my wolf hybrids and would go in  
24 and play with them, and so he knew their nature.

25 And I've spent an abundance of my life trying

1 to dispel the lies and the myths about the villain, the  
2 wolf, when, in fact, there's never been a case in  
3 American history or Canadian history where a wild wolf  
4 has ever killed a human, but yet people are believed to  
5 fear an animal which has never harmed anybody.

6 Q. So is it fair to say, then, that you have a  
7 special connection with wolves?

8 A. Well, I do. And it's more than just an  
9 interest, being three-quarters Cherokee and doing my  
10 genealogy, finding out that I'm actually descended from  
11 the wolf clan.

12 In the Cherokee Nation you have seven clans,  
13 and the wolf clan was known for their -- well, they  
14 domesticated wolves. They used them for all sorts of  
15 things. But that was a part of my genetics, I guess,  
16 so...

17 Q. I understand. Are you married?

18 A. I am.

19 Q. Okay. What's your educational background?

20 A. I have a degree in mechanical engineering.

21 Q. Okay. And where did you get your degree from?

22 A. It's now called Southwest.

23 Q. Okay.

24 A. It's changed names.

25 Q. And when did you obtain your degree?

1 A. 1988.

2 Q. Okay. As far as your criminal record, as I  
3 understand it and we've submitted to the Court, you  
4 have no criminal record before this incident; is that  
5 correct?

6 A. That's correct.

7 Q. As far as your physical and mental health, are  
8 you in good physical and mental health?

9 A. Excellent. Other than being gassed the other  
10 day in the cell for about three hours, I'm okay.

11 Q. Okay. Have you ever been diagnosed with any  
12 serious physical or mental condition?

13 A. Never.

14 Q. Now, going to the circumstances of this  
15 offense, would you agree that this incident occurred  
16 under unusual circumstances?

17 A. Very unusual circumstances.

18 Q. Would you agree that at least one of the  
19 things giving rise, another of many factors involved,  
20 but at least one of the things giving rise to this  
21 incident was the fact that your wolf got out, out of  
22 the enclosure?

23 A. Well, Brandi is a wolf hybrid, and she did get  
24 out of the back yard. Apparently, while I was away,  
25 she raised the latch on the gate and got out. At that

1 time, as I understand it, there were several stray dogs  
2 running in the area, and apparently she saw fit to go  
3 play with them.

4 And when we -- when I got home, Pat called me,  
5 went looking for them and heard gunshots. Which we're  
6 in a kind of a rural, even though within a square mile  
7 there's about 82 homes, so it was a lot of homes, but  
8 relatively speaking most people have five to 30 acres  
9 or so, so it's not uncommon for people to target  
10 practice.

11 And went looking for Brandi. And my wife was  
12 at the front of the property, and I had crossed over  
13 the fence to investigate, and witnessed a person, who I  
14 didn't know who it was at the time, which later was  
15 identified as Barry Laxton, shooting in the direction  
16 of where my dog was. But just beyond my dog was my  
17 wife standing in the wooded part of our field. We  
18 have -- the front of our property is wooded, lot of  
19 pine trees.

20 Q. Is that -- were you out there to recover your  
21 dog?

22 A. Yes.

23 Q. Okay. Would you agree, though, with my  
24 original question, that at least one of the factors  
25 that gave rise to this incident, that was necessary in

1 order for this incident to occur, was the fact that  
2 your dog got out?

3 A. That's correct.

4 Q. And as I understand it, you have taken steps  
5 to construct a secondary fence, or at least lay the  
6 groundwork for that; is that correct?

7 A. That's correct. I've purchased a substantial  
8 amount of fencing material to basically enclose the  
9 back yard so that if somehow they climb out, dig out,  
10 or get out, there's going to be another fence of about  
11 seven foot tall that would, you know, prevent them from  
12 going any further.

13 Q. It's my understanding it's kind of an  
14 extraordinary fence, though, of superior quality; is  
15 that fair to say?

16 A. It's not chain link. It's not your back yard  
17 fence. It's cattle panel, which is about the thickness  
18 of this pencil, very thick gauge material, suitable for  
19 cattle, and large enough that, you know, it will keep  
20 our pets in if they happen to get out of the chain link  
21 fence, which is what we've got now, which is pretty  
22 common for most people's yards, as chain link fencing.

23 Q. Okay. Now, I know you can't make a guarantee,  
24 but in your opinion as an animal keeper, would this  
25 secondary fence be sufficient to prevent your dogs from

1 getting out again in the future?

2 A. I believe it will.

3 Q. Will you make every effort -- when you are  
4 eventually released, will you make every effort to make  
5 sure that the dogs don't get out of your enclosures?

6 A. Yes, I will.

7 Q. And you've also indicated that you were going  
8 to take some steps to educate your neighbors about the  
9 dogs. And what will you be accomplishing by doing  
10 this?

11 A. Well, during the trial I was impressed by one  
12 of the ladies who was the mother of a man who lives in  
13 the community, who I really don't know that well. But  
14 he had shown hostility in the past towards us for no  
15 apparent reason other than he didn't know us. Maybe  
16 rumors. Who knows? You know, we've only been in the  
17 county for, what, 12 years now, so we're relatively  
18 new, as most people perceive if you weren't born here,  
19 you're not from here, you're not really welcome.

20 But she expressed an interest to communicate  
21 with us and that she's sorry that this thing had gone  
22 so far. And she really wasn't worried about our dogs.  
23 I think the impression was that they are more hostile  
24 towards me for no known reason. But there seemed to be  
25 an interest in building a bridge there.



1                   And so what I would try to do, as when our  
2                   next door neighbors where Brandi was shot and killed,  
3                   when they moved there, the previous neighbors, they  
4                   came over and played with our dogs.

5                   Q.           Okay. Is it a fair summary of what you're  
6                   saying --

7                   A.           So we've made an effort in the past. Certain  
8                   neighbors have met our dogs and know about our dogs,  
9                   but certain ones haven't, just because we haven't had  
10                  the opportunity. But it seems like there apparently is  
11                  now an interest in bridging that void.

12                  And I'll take every opportunity, you know, as  
13                  much as people are interested, to expose my animals to  
14                  them so that they know that these are not aggressive  
15                  animals, if that's a concern, and let them know that we  
16                  are genuinely good people.

17                  You know, despite having run for political  
18                  office doesn't necessarily, in my opinion, make you a  
19                  bad person. I ran for issues, not against people.

20                  Q.           Okay. Getting directly to the mitigating  
21                  factors that we've mentioned in your Memorandum in this  
22                  case, do you feel that you acted under strong  
23                  provocation during that incident on September 24, 2007?

24                  A.           I would say witnessing my dog being shot and  
25                  killed right in front of me, her dying at my feet, my

1 wife being shot at, and bullets flying past my head, I  
2 would certainly say that's extremely strong  
3 provocation.

4 Q. Although you failed at least at trial to  
5 establish in the eyes of the jury an affirmative  
6 defense of self-defense and also that you were  
7 effecting or effectively effecting a citizen's arrest,  
8 do you feel that grounds under the circumstances  
9 existed tending to justify or excuse your actions?

10 A. I did everything that I knew to do according  
11 to the law to protect myself to enact a citizen's  
12 arrest, which is lawful. Citizen's arrest has been on  
13 the books forever. The ability for one to defend  
14 himself, the fact that you're not required to retreat.

15 I am a licensed permit carrier since 19 years  
16 ago when I was issued a special permit through the  
17 Shelby County Sheriff's Department because of my work  
18 with the government as a pilot. Never had to use a  
19 gun. Never -- didn't use a gun in this case, as a  
20 matter of fact. But the jury chose not to, I guess,  
21 listen to what I was saying or whatever their case may  
22 be.

23 The situation was that had he not crossed the  
24 street off his property and shot 29 times at my family,  
25 I wouldn't have been there.

1 Q. Yes, sir, I understand that. Now, this is  
2 similar to the provocation question, but also another  
3 statutory factor. Do you feel that you were acting --  
4 that you were under stress or duress at the time of the  
5 incident?

6 A. I would say that certainly I was under stress,  
7 but I would say that my actions were reasonable and  
8 restrained.

9 So many people I've spoken to said that if  
10 somebody is shooting at them, they're going to shoot  
11 back. And it was like I tried to explain, that if you  
12 weren't there, you really don't know. And the fact  
13 that the distance between us was such that shooting  
14 back at him while he's shooting at me, yes, I might  
15 have hit him, but I might have missed and jeopardized  
16 people behind him, if, in fact, there were people in  
17 the house behind.

18 My interest was to stop the threat against my  
19 family, not to harm anyone, to preserve everyone's  
20 life. And that's --

21 Q. I understand that you considered your response  
22 to the situation to be controlled and a rational  
23 response. But would you agree, or is it true at least,  
24 that it was also an emotional and a stressful  
25 situation?

1 A. Certainty.

2 Q. Did you assist the authorities in uncovering  
3 any of the property involved in the incident?

4 A. As a matter of fact, I confiscated the rifle  
5 that the shooter had used to shoot at my family, which  
6 was laid in the back of a truck. He had concealed it  
7 immediately after the shooting and would not reveal its  
8 location when I had asked him multiple times.

9 When I saw it, I confiscated it as well as a  
10 paddle holster which I knew would be able to show the  
11 officers, in fact, that both men had been armed. In  
12 case they tried to deny it, I would have the proof,  
13 physical proof, to show them both men were armed.

14 And when the deputies arrived, immediately I  
15 presented them with the rifle and the holster and  
16 advised them of the crimes, the felonies that I had  
17 witnessed, which would have been the basis for the  
18 citizen's arrest.

19 Q. Okay. As far as their investigation of you,  
20 though, did you cooperate fully in their investigation  
21 of you?

22 A. Oh, certainly.

23 Q. Okay. Did you turn over anything that you had  
24 that they were interested in?

25 A. Yes. Immediately gave them the pistol that I

1 had so that they would know that there's no danger to  
2 anybody.

3 Q. Would you say that you're genuinely sorry that  
4 this incident occurred?

5 A. Certainly.

6 Q. Can you assure the Court that you will do  
7 everything within your power to make sure that these  
8 sort of circumstances don't arise again in the future?

9 A. Immediately we're going to have the fence put  
10 up. I'll be working to finish the fence that I had  
11 already started. We've got the material.

12 And we're looking at, you know, other things,  
13 such as possibly moving from the area. Because  
14 apparently if the threat to my family is so great that  
15 people are willing to cross the street and shoot at us  
16 and they're not held accountable, then this is no place  
17 to live.

18 Q. Okay. If the Court sees fit to grant you a  
19 diversion, would you be willing and able to comply with  
20 any of the reasonable terms of that probation or  
21 whatever they may be?

22 A. I think "reasonable terms" is the key word.

23 Q. Well, ordinary terms of probation, such as  
24 submitting to supervision if necessary and reporting to  
25 a probation officer on a monthly basis for whatever

1 period, that would be --

2 A. If that's required, certainly. I'm not going  
3 anywhere unless we're able to move, and then I would  
4 ask to be allowed to transfer probation, if that be the  
5 procedure.

6 Q. Okay. All right. Do you have --

7 A. I'm not familiar with all the procedures, so  
8 I'm...

9 Q. Okay. Do you have plans on relocating soon?

10 A. Well, that's, you know, this economy, it's  
11 very tough to buy or sell property. And that's a  
12 situation we'll have to try to look at very closely and  
13 see if anything can be done.

14 Q. But for today's purposes are you asking the  
15 judge to grant you diversion and allow you to return  
16 home to your family and to your work?

17 A. Yes.

18 MR. WITHERINGTON: If you will answer any of  
19 Mr. Freeland's questions.

20

21 CROSS-EXAMINATION

22 BY GENERAL FREELAND:

23 Q. Mr. Parsons, you're three-quarter Cherokee?

24 A. Correct.

25 Q. So one parent is full Cherokee, and the other

1 is --

2 A. Excuse me?

3 Q. -- half Cherokee? Is that what you're saying?

4 A. Not at all.

5 Q. I'm sorry. So what do you mean by  
6 three-quarter Cherokee?

7 A. That's a percentage.

8 Q. I understand. Would not one parent have to be  
9 full-blooded Cherokee --

10 A. Not at all.

11 Q. -- and one parent have to be half Cherokee for  
12 you to be three-quarter?

13 A. No, sir. Both parents could be three-quarter  
14 Cherokee. One could be a various percentage. You'd  
15 just add the two numbers and divide by two, and you get  
16 the ratio.

17 Q. Okay. Tell me. This really has nothing to do  
18 with anything other than your perception of reality.  
19 One parent was what percentage Cherokee?

20 A. If you turn around and look behind you, you'll  
21 see my mother who is Cherokee.

22 Q. All right.

23 A. And you'll see my father who is Cherokee.

24 Q. Your father --

25 A. They are right behind you.

1 Q. As far as you understand, your father is what  
2 percentage Cherokee?

3 A. In doing the genealogy study, my father is  
4 full-blooded Cherokee.

5 Q. Well, that's what I asked you. So one parent  
6 is full-blooded Cherokee?

7 A. But the assumption is that the ratios come  
8 from one being one, one being the other. But the  
9 reality is, is they can come from various degrees.  
10 There may be somewhere in history of my mother where  
11 there is more Cherokee or less. To the degree that  
12 we've been able to establish, this is the percentage  
13 that we have.

14 Q. Okay. Mr. Parsons, the bottom line is you  
15 don't see reality as the rest of the world sees  
16 reality, do you? Because three-quarters means one plus  
17 a half divided by two is three-quarters. You argue  
18 even with that.

19 A. Or three-quarters and three-quarters equals  
20 three-quarters.

21 Q. Six-quarters -- all right.

22 You were asked about your mental health, and  
23 your opinion is that you enjoy good mental health?

24 A. That's a fact.

25 Q. Weren't you examined in connection with this



1 trial regarding your mental health?

2 A. The evaluation was at the direction of one  
3 court-appointed attorney who had, well, in fact,  
4 assaulted me and didn't want to be on the case at all.  
5 Hers was a retaliation.

6 And ultimately the evaluation came back that  
7 there was no reason why I couldn't -- the evaluation  
8 was to determine if I could assist in my own defense  
9 and the nature of what happened at the scene. And the  
10 response of the doctor who did the full evaluation,  
11 Dr. Sioka, was that I acted rational, responsible, and  
12 that there's no reason that I couldn't assist in my own  
13 defense. And he was quite curious as to why I was ever  
14 even sent to have the evaluation. Because normally --

15 Q. Mr. Parsons --

16 A. -- people that present themselves, as he said  
17 in my case, aren't evaluated. It's normally people who  
18 truly need assistance from --

19 Q. Mr. Parsons --

20 A. -- that standpoint.

21 MR. WITHERINGTON: Excuse me. If I could  
22 object. Excuse me.

23 GENERAL FREELAND: Object to Mr. Parsons?

24 MR. WITHERINGTON: No. Object to further  
25 questioning on this line.

1 I didn't have the benefit, Your Honor, of  
2 being his attorney at the trial level, and in my  
3 earlier discussions with Mr. Parsons, as I understood  
4 it, the psychological report, one or another of them  
5 was excluded from the record.

6 So if we're discussing -- if we're discussing  
7 a report that was excluded from the record, I'd object  
8 on that basis, that it not come in now.

9 THE COURT: They're both in the record.  
10 Mr. Parsons filed a Motion to have one excluded. The  
11 Motion was denied.

12 MR. WITHERINGTON: Thank you, Your Honor.

13 THE COURT: Yes, sir.  
14

15 BY GENERAL FREELAND:

16 Q. All right. Mr. Parsons, in getting back to my  
17 observation to you that you don't see reality as others  
18 do, I asked you a question which called for a yes or no  
19 answer. So there was an evaluation; in fact, there  
20 were two evaluations done, mental evaluations done of  
21 you, correct?

22 A. That's not correct.

23 Q. There were not two evaluations done of you?

24 A. There were no two evaluations. There was one  
25 full evaluation. There was another attempted

1 evaluation where the officer could not locate the  
2 building and which was subsequently the reason why I  
3 was arrested the first time, because I was not able to  
4 make a appointment.

5 Which the address given to me was the wrong  
6 address. I was not provided a phone number. And when  
7 I missed the appointment, I was arrested.

8 And then even the officer who took me to the  
9 appointment couldn't find it. We were late. Thereby  
10 the doctor only had about 30 minutes to do an  
11 evaluation that would have taken two hours. And in his  
12 own notes he said it was an incomplete evaluation.

13 But as you understand, I like to give long  
14 detailed explanations, and in his evaluation he tried  
15 to claim that I gave short answers, which anybody that  
16 knows me knows that's not the case.

17 Q. Well then, there were two evaluations,  
18 attempted evaluations --

19 A. No, sir.

20 Q. -- visits to a doctor, you saw two people,  
21 right?

22 A. Seeing two people is not the same as having  
23 two full evaluations.

24 Q. One evaluation you agreed with and one you  
25 didn't?

1 A. No, sir. One was not a complete evaluation.  
2 It was a recommendation to continue and complete a full  
3 evaluation. And it should also be --

4 Q. And that's Dr. Wyatt, correct? The evaluation  
5 or recommendation to which you're referring is  
6 Dr. Wyatt?

7 A. And I believe when I made the Motion that that  
8 be stricken from the record, if I'm not mistaken, it  
9 was agreed upon that it would be stricken. That's why  
10 it's in seal.

11 Q. Yes, sir. Your Honor -- Mr. Parsons, we  
12 didn't proceed with it at trial because it wasn't  
13 particularly relevant.

14 But your attorney asked you if you enjoyed  
15 good mental health. You said you did. But the fact of  
16 the matter is that there have been professionals that  
17 have disagreed with that, have there not?

18 A. Well, that's not true. The record will  
19 clearly show that his evaluation was incomplete, and he  
20 recommended further evaluation. Once a full evaluation  
21 was done, the doctor concluded there is no reason for  
22 me not to be able to proceed to trial to assist in my  
23 defense, and that my actions were reasoned and  
24 responsive to the situation.

25 Q. So you don't have, obviously, any objection to

1 either of these reports being considered by the judge  
2 in your request for probation under diversion or  
3 probation?

4 A. I would object to Dr. Wyatt's simply because  
5 Dr. Wyatt, as the professional doctor told me,  
6 Dr. Wyatt sees criminally mentally ill patients every  
7 day, and I would be an enigma to him. He is not used  
8 to interviewing people --

9 Q. Well, Mr. Parsons, you're an enigma to a lot  
10 of people, aren't you? Aren't you?

11 A. I don't believe so.

12 Q. Well, let me ask you about the unusual  
13 circumstances Mr. Witherington asked you about, the  
14 unusual circumstances relating to your -- the animals  
15 getting out. That's not an unusual circumstance at all  
16 for you, is it, that you've let your wolves, dogs, get  
17 out?

18 A. We've had our property for 12 years, sir, and  
19 in 12 years we've only had an animal get out three  
20 times. When we lived in Memphis for 17 years, we had  
21 animals get out twice.

22 Q. Well, every --

23 A. That is not unreasonable. And as a matter of  
24 fact, in the news recently a person's dog got out in  
25 the county a couple of weeks ago. The neighbor turned

1 on the light and shot and killed it, and she wants  
2 answers. Apparently the green light's been given for  
3 people to randomly kill people's pets and nothing will  
4 happen.

5 Q. All right. The --

6 A. That's a concern to the community.

7 Q. The question to you, Mr. Parsons, is, is it an  
8 unusual circumstance or not for this situation to  
9 develop about your wolf-dogs getting out? And how many  
10 times have you been prosecuted for wolves, dogs, at  
11 large, whatever? How many times have you been  
12 criminally prosecuted for it?

13 A. Never.

14 Q. You have never been in General Sessions Court  
15 on a charge of your dogs running at large?

16 A. That's not a criminal charge, sir. That's --

17 Q. Well, it is a criminal charge, Mr. Parsons.

18 A. No, sir, it is not. No, sir. That's a civil  
19 matter. If you look at the statutes, that's civil, and  
20 you know that.

21 Q. Well, Mr. Parsons, I don't know that. But in  
22 any event, how many times have you, in your opinion,  
23 been civilly prosecuted --

24 A. So now you don't know that?

25 Q. -- for dogs running at large? How many times

1 have you been over there in the civil part of General  
2 Sessions Court, under Judge Peeler, with the district  
3 attorney or Mr. Duke Brasfield involved in the  
4 prosecution for your dogs running at large?

5 THE WITNESS: May I answer that question  
6 fully, Your Honor, since I was sworn to tell the whole  
7 truth?

8 Q. Well, first of all, if you would answer it,  
9 fully or not.

10 A. I would like to fully answer that and not be  
11 shut off.

12 Q. How many times?

13 A. The fact is, is that when my dog got out and  
14 was shot by a neighbor four years ago, I wasn't even  
15 there. My wife was there. She was originally  
16 charged. And then when I came back to Memphis -- or to  
17 Tipton County, when I returned home, they dropped the  
18 charges against her and charged me because I was the  
19 person they wanted to charge.

20 This is political. This is the only place  
21 that I know of in this country where they prosecute  
22 individuals for a dog getting out of the yard and allow  
23 the neighbors to shoot and kill a dog on sight.

24 Q. Prosecute? I thought you said it was civil.

25 A. You prosecute civilly as well as criminally,

1 sir.

2 Q. All right. Well, how many times, to answer  
3 the question that I asked you, how many times have you  
4 been prosecuted civilly in General Sessions Court of  
5 Tipton County for your wolf-dogs running at large?

6 A. I believe that case was expunged.

7 Q. Can you answer a question, Mr. Parsons?

8 A. One time.

9 Q. One time?

10 A. One time.

11 Q. All right.

12 A. That's the only time in my life --

13 Q. That's the only time you've been to court?

14 A. That's the only time in my life I've ever had  
15 a complaint against my dogs. And in that case, Animal  
16 Control came on my property and confiscated three of my  
17 dogs, sitting on my porch, and claimed that they were  
18 running loose, which the statute says the animals have  
19 to be off your property. That's why when it came to  
20 the Circuit Court it was dismissed. The prosecution  
21 decided not to prosecute because they knew they didn't  
22 have a case.

23 Q. The prosecution?

24 A. Your prosecutor didn't prosecute because you  
25 had no case. The dogs were on my property.



1 Q. The State of Tennessee's prosecutor?

2 A. Yes.

3 Q. On a civil case?

4 A. Yes.

5 Q. Do you know the difference in a civil or  
6 criminal case, Mr. Parsons?

7 A. Yes, I do. This Court handles both civil and  
8 criminal cases.

9 Q. And do you know that the State didn't want to  
10 prosecute because they didn't want to deal with you any  
11 more than they had to, the State of Tennessee in  
12 prosecuting you, that that was the reason?

13 A. Apparently -- no, sir. It's because my dogs  
14 were on my property, and they didn't have a case. You  
15 can't prosecute people for civil penalties when the  
16 person didn't violate the statute.

17 Q. All right. Mr. Parsons --

18 A. Which seems to be a problem in this court.

19 Q. You say that the only compliant that you have  
20 had about your dogs running at large was that one time  
21 in General Sessions Court?

22 A. You asked me was that the only time I'd been  
23 in a courtroom, and that is a fact. In my life that's  
24 the only time I've been in a courtroom.

25 Q. I'm following up on what you said.

1 A. But that matter --

2 Q. You said the only --

3 A. No, you're not. You're twisting what I said.  
4 What you asked me was, in fact, was that the only time  
5 I was in court, which the only --

6 Q. I asked you that, and you responded that --

7 A. -- in court --

8 Q. Mr. Parsons, I asked you that, and you  
9 responded that the only complaint that you had had  
10 about your wolves was that one complaint. That's not  
11 true, is it?

12 A. Please refer to my wolf hybrids as wolf  
13 hybrids, not wolves.

14 Q. The only -- it's not true that the only  
15 complaint that you've had about your wolves is that one  
16 time in General Sessions Court, is it, Mr. Parsons?  
17 You've had numerous complaints?

18 A. No, sir, that's not true.

19 Q. Brent Seay killed one of your wolves, and you  
20 broke his nose in response to it, didn't you?

21 A. When he attacked me, I punched him one time.  
22 The man attacked me. He shot and killed my dog, off  
23 his property on someone else's property, while I'm out  
24 looking for it. Before, I had told him that I was  
25 looking for my dog, he said, "We haven't seen it."

1 Moments later, when I drove away, he saw it  
2 and shot and killed it, without provocation, on someone  
3 else's property. And then when the officers arrived,  
4 he attacked me, and in defense of myself I punched  
5 him. That's why I wasn't prosecuted for that.

6 As a matter of fact, the Grand Jury came back  
7 with a Not True bill, because they thought the whole  
8 thing was a sham.

9 Q. Well, Mr. Parsons --

10 A. But that didn't --

11 Q. -- my question to you was --

12 A. You asked if there was --

13 Q. -- my question to you, Mr. Parsons --

14 MR. WITHERINGTON: Your Honor, I think he's  
15 trying to continue to answer the question.

16 GENERAL FREELAND: I think he's trying to  
17 evade the answer, Your Honor.

18 A. There's never been a complaint -- there's  
19 never been a lodged complaint in any court in any state  
20 in this country or the universe, other than the one  
21 time where the Animal Control went on my property  
22 without provocation and stole three of my dogs. And  
23 that was their own complaint. There is no other  
24 complaints in the record anywhere.

25 Q. Okay. Listen to me, Mr. Parsons. You said

1       crossed the street to kill my dog, shot 29 times, and  
2       he went out of his way. So that's his complaint,  
3       because he broke the law?

4       Q.       Mr. Parsons, how many of your wolves have been  
5       killed by your neighbors when they were not on your  
6       property?

7       A.       They weren't on their property either, and it  
8       was three.

9       Q.       All right. In fact, some of them you have  
10      sued because of that?

11      A.       That's fact. That's what you do. You hold  
12      people accountable for their crimes.

13      Q.       Is that what you're asking this Court to do?

14      A.       This Court doesn't have a civil case before  
15      them where I'm suing them in regards to a person  
16      killing my dog at this time.

17      Q.       You don't want this Court to hold people  
18      responsible for the criminal actions that they do?

19      A.       Defending your family is not a criminal act.

20      Q.       Well, that may be. But the jury said you're  
21      guilty. My question is --

22      A.       A jury who was employed by --

23      Q.       -- do you want this Court --

24      A.       -- the county, who lied under voir dire. One  
25      of the jury members was the arresting officer's

1 mother-in-law who has a lawsuit against him, and I  
2 asked her --

3 MR. WITHERINGTON: Your Honor, I would object  
4 to the line of questioning, in any event, as to his  
5 opinion as to how the judicial system should function,  
6 as not relevant, Your Honor.

7 GENERAL FREELAND: I'm trying to determine,  
8 Your Honor, his amenability to probation, which he is  
9 requesting, and diversion and in other probation.

10 THE COURT: The Court will allow the question.  
11 The objection will be overruled.

12 Q. Mr. Parsons, you have stated that you believe  
13 that people should be responsible for their criminal  
14 actions.

15 A. Yes, I do.

16 Q. The jury has found you to be criminally  
17 responsible for the aggravated assault on two  
18 individuals. Now, you will agree that under our system  
19 of laws, that your opinion doesn't rule, but the  
20 opinion of the jury, affirmed by the Court, controls,  
21 don't you?

22 A. That's correct.

23 Q. Okay. Because Mr. Witherington asked you if  
24 you would agree to -- I think Mr. Witherington's words  
25 were "reasonable terms of probation," and you stated

1       that the determinative factor there would be whether  
2       the terms are reasonable.

3       A.           I've never been provided any terms or anything  
4       to that matter, so I can't respond. I don't understand  
5       what that term means. Therefore, I was needing to  
6       qualify what that means.

7       Q.           Well, it's a pretty simple question. You were  
8       asked a simple question: Would you be bound by any  
9       reasonable terms of probation? And your immediate  
10      response would be that the determinative issue is  
11      whether those terms are reasonable.

12                   Who determines that, Mr. Parsons? You?

13      A.           I believe that's for the judge to decide.

14      Q.           Okay. So whatever the judge determines to be  
15      the reasonable terms, you will agree to, correct?

16      A.           Certainly. And I would ask that the term  
17      "reasonable" be prudently exercised, because certainly  
18      there are, within the Court's discretion, things that  
19      might be extreme.

20                   And in this case, no one was touched, other  
21      than my dog was shot and killed. This is not a case  
22      where I pursued them out of anything other than defense  
23      of my family, in the moment where I was imminently in  
24      danger at that moment of being killed.

25      Q.           And your idea as to what a reasonable term of

1       probation, Mr. Parsons, is, would be just as your  
2       determination of what reality is as you've expressed it  
3       all through these proceedings, correct?

4       A.           I'm not sure what your point is.

5       Q.           Well, my point is that everything that you  
6       have said happened has been determined not to be the  
7       case by juries, and your perception of reality doesn't  
8       seem to coincide with at least the majority rule, if  
9       that's correct, of what reality is; would you agree  
10      with that?

11      A.           Not at all. The jury did not find reality.  
12      The jury just made an opinion. Regardless of whether  
13      they cared that this man shot at us 29 times, which is  
14      a fact, it's not a reality beyond the scope of the  
15      Court's record. In their mind they may think that that  
16      was okay to shoot at someone's dog if you don't feel  
17      that you're safe, where there's a dog that you don't  
18      understand.

19                   In the real world people don't just shoot at  
20      people's pets. That's a crime. And in the state  
21      Tennessee, the clear law says that anything less than a  
22      full-blooded wolf is a domestic pet, and therefore, is  
23      regulated as such and has to be treated as such.

24                   And my dogs have never harmed anybody. So the  
25      reality is in this case my dog was shot and killed, my

1 wife was shot at, I was shot at.

2 Q. And Mr. Witherington asked you about what  
3 steps -- or steps to be taken to educate your  
4 neighbors. What have you got in mind about educating  
5 everybody and enlightening them on wolf hybrids?

6 A. Well, I'll make every attempt to speak with  
7 the neighbors, that they have nothing to fear of me or  
8 my dogs. And certainly the lady who expressed interest  
9 in that, I would try to contact her immediately and  
10 take one of my wolf hybrids over there and let her see  
11 them and pet them.

12 And you know, if she's amenable to that, I  
13 think she'll learn that they're just like anybody  
14 else's pet. They're friendly, not aggressive at all,  
15 great family pets, as a matter of fact. There are  
16 dozens of them throughout the county right now.

17 Q. Mr. Parsons, you're not suggesting that you're  
18 going to go door to door trying to educate people and  
19 carrying your wolf hybrids with you, are you?

20 A. I would try to contact -- the people in this  
21 area pretty much know each other. And I think if I  
22 spoke with her and she had a good understanding of who  
23 we are and our animals, certainly I think the phones  
24 would ring and she would be talking to her neighbors.  
25 Because obviously there is a lot of communication



1 amongst the neighbors.

2 Q. All right. You're not going to go door to  
3 door with your wolf hybrids to educate them?

4 A. Well, the people across the street already  
5 know us. And our neighbors, the Stewarts across the  
6 street, don't have a problem with our animals.

7 Q. Well, I'm just trying to figure out what is  
8 meant by --

9 A. There are several neighbors --

10 Q. -- your taking steps to educate neighbors.

11 A. There are several neighbors that know us and  
12 like our animals. And it's just about four families  
13 that -- that don't.

14 Q. Those families that don't know you or don't  
15 like you or don't know your wolves or know how  
16 wonderful they are, are you going to take steps to  
17 educate those people?

18 A. I think the lady will communicate with them.  
19 This is the lady who is part of that group of people  
20 that have that viewpoint.

21 Q. Okay.

22 A. And she expressed interest in meeting with us  
23 and speaking with us, and so we're going to take that  
24 opportunity to do that. But I don't know about your  
25 suggestion of going door to door --

1 Q. Oh, I'm not -- don't say that's my suggestion,  
2 Mr. Parsons. It's my question to you. Is that your  
3 plan?

4 A. No, sir, that was not my intent.

5 Q. Okay. Now, Mr. Witherington asked you about  
6 the fence that's now being constructed, I guess, that  
7 will keep the -- how many hybrids do you have now,  
8 approximately?

9 A. I haven't been here in 46 days. I have no  
10 idea.

11 Q. Well, how many do you sell on a -- would it be  
12 much different? Do you sell them on a daily or weekly  
13 or yearly basis?

14 A. No.

15 Q. Okay. Do they --

16 A. We normally have, at the most, one litter a  
17 year, and usually they're presold. And if we have any  
18 left over, then we'll run an ad in the paper. But, no,  
19 we normally have less than -- on average in the last  
20 ten years, less than one litter a year.

21 Q. All right. Have you communicated with your  
22 wife since you've been in jail?

23 A. Yes.

24 Q. You know exactly how many hybrids you've got,  
25 don't you?

1 A. No. Because we had a litter of puppies, and I  
2 don't know exactly what she sold and what we have.

3 Q. Mr. Parsons, can you answer any question  
4 straight out? How many hybrids do you have at your  
5 house?

6 A. I don't know. I'm not there.

7 Q. Do you know within a range of 50 or 100 how  
8 many you've got?

9 A. I think I've answered that question before.  
10 It's about 30.

11 Q. Well, you finally did, Mr. Parsons. It's  
12 about 30.

13 A. We've covered that before. And with puppies,  
14 I don't know. I'm not there.

15 Q. All right. About 30. That's good enough. So  
16 you're building a fence, or a fence is being  
17 constructed, that you believe will be -- keep this  
18 unusual circumstance of a hybrid escaping, it will keep  
19 that from happening again?

20 A. I think it will. But it's not against the law  
21 for a dog to get out of a house or out of a back yard  
22 and run around. That's not a crime.

23 Q. All right. We're trying to --

24 A. Is it?

25 Q. -- address what you called the "unusual

1 circumstance" of your hybrids getting out. The point  
2 is that you were before the General Sessions Court how  
3 many years ago was it now that this matter first came  
4 up on your hybrids being at large?

5 A. Six years ago, I believe.

6 Q. Six years ago you were telling Judge Peeler of  
7 the efforts you were making to make a fence that would  
8 keep these hybrids in. That was obviously some years  
9 before these hybrids that were the subject of this  
10 criminal action got out.

11 A. No, sir, that's not true. What I did is I  
12 presented photos. They had requested to see what the  
13 fences looked like, and I showed them that apparently  
14 someone had opened the gate and let our dogs out. We  
15 had six-foot-tall chain link fencing, and that we were  
16 going to put locks now on the gate latches so that  
17 someone couldn't just come and open the gate.

18 And the fact that our dogs were on our porch,  
19 on our property, when they were stolen by Animal  
20 Control was the reason the charges were dropped,  
21 because the State didn't have a case. It was a  
22 politically motivated attack.

23 Q. The State? I thought it was a civil action.

24 A. The State prosecutes civilly. You're a  
25 prosecutor, and you represent the State, and you're in

1 the General Sessions Court, correct?

2 Q. And that's a civil thing?

3 A. Do you not prosecute civil matters?

4 Q. No, sir, Mr. Parsons, I don't.

5 A. You don't?

6 Q. No, sir. Those are criminal actions.

7 A. I believe it's civil.

8 Q. I defer to you, Mr. Parsons.

9 A. Does it carry jail time to have animals get  
10 out?

11 Q. Yes, sir, it does.

12 A. Okay. I was told it was a civil matter, there  
13 was just a fine.

14 Q. This unusual circumstance of your wolf hybrids  
15 getting out is not unusual at all, and it will continue  
16 to be a problem. You either are unwilling or unable to  
17 address it; isn't that true?

18 A. Not at all. I think we've sat here and  
19 discussed that over the course of 12 years now our dogs  
20 have gotten out three times. And the fact is, is that  
21 we've made provisions to correct the problem. And  
22 putting up this additional fencing, if they do get out  
23 of the six-foot fencing by opening a gate or squeezing  
24 through or whatever, that they will be contained in  
25 there.

1           But the fact is, what's being missed here is  
2           these are not aggressive animals. People attacking our  
3           animals out of hate towards me is the reality.

4           Q.           Mr. Parsons --

5           A.           And that's why we're look at moving. It's not  
6           an issue of the dogs getting out. It's an issue of  
7           people attacking my family because they just don't like  
8           me because I'm not part of this Old Boy System and I  
9           ran for office.

10           The fact that the defendants -- or the State's  
11           witness said that he was mad at me and he supported the  
12           other candidate, and at the scene he even said, "You  
13           should have kept your dogs in."

14           And he wasn't in fear. He was on a hunt to  
15           kill my dog. He knew they were my dogs.

16           Q.           And this is reality according to you?

17           A.           No, it's testimony by your witness.

18           GENERAL FREELAND: That's all.

19           THE WITNESS: His own write-up.

20

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25

1 REDIRECT EXAMINATION

2 BY MR. WITHERINGTON:

3 Q. Mr. Parsons, just briefly to follow up.

4 As to the mental health issue, have you been  
5 diagnosed by any doctor or psychologist with a mental  
6 health issue?

7 A. No, sir.

8 Q. Okay. How long would it take you to construct  
9 this fence that you feel will contain the dogs fully?

10 A. Not knowing the weather conditions, it's hard  
11 to say. Probably two to three months, given the  
12 current climate, the temperatures, and weather in the  
13 wintertime.

14 Q. Okay. Is it fair to say that all of your  
15 appearances in the courtroom, whether they be civil or  
16 criminal, have had to do your dogs getting loose?

17 A. One could say that. But I would say the  
18 State, the government, coming on my property, stealing  
19 three of my dogs when my dogs are on my property, and  
20 falsely charging me, was an attack on me personally.

21 Q. Well, however the cases turned out in the end  
22 in the circumstances, would you agree with me that what  
23 gave rise to the incident, or at least a necessary  
24 factor, was the dogs getting out of the enclosure?

25 A. I think that was the excuse that was used to

1       come after me, yes.

2       Q.           Okay. Is it fair to say, though, that those,  
3       every incident that's caused you to be in court, would  
4       not have happened but for the dogs getting out of the  
5       pen?

6       A.           Those were contributing factors.

7       Q.           Okay.

8       A.           But the fact that dogs on your property is not  
9       a crime still exists. And the fact that he had no  
10      right to cross the street and shoot my dog still  
11      exists.

12                   And so I'm taking every efforts (sic) to make  
13      sure that my dogs aren't attacked any more by keeping  
14      them, you know, in the yard and on the property.

15      Q.           Okay. Let me ask the question this way:  
16      Assuming the fence is built that would contain the dogs  
17      in fully, given your history in the past, would this  
18      new enclosure prevent all of the past incidences, all  
19      of the circumstances of the past incidents from  
20      happening in the future? Would that avoid all of those  
21      different occurrences, whether they were civil or  
22      criminal?

23      A.           The first event, the first incident, was where  
24      the lock was -- there was not a lock on the gate, so  
25      that was resolved by putting locks on the gate so



1 people couldn't come open the gates.

2 And the second occurrence happened where we  
3 just had Brandi excited to see other dogs in the  
4 neighborhood, and she squeezed past the gate. And so  
5 we put two latches on the gate so that she couldn't  
6 squeeze out.

7 And so now, you know, the dogs don't climb the  
8 fences. The dogs don't dig out of the fences. It's  
9 always been through a gate. But we're doing a larger  
10 enclosure to give them, you know, that secondary  
11 fencing, so that if they do happen to get, you know,  
12 out somehow, they're going to be, you know, right there  
13 within, you know, the yard. They're not going to go  
14 beyond the yard.

15 Q. Okay. So the fence is taller and heavier?

16 A. Oh, yeah. Seven foot. It's heavier material,  
17 and, yeah.

18 Q. In your opinion it's going to keep your dogs  
19 in permanently?

20 A. Well, yeah, unless we're walking them.

21 Q. Okay. And assuming the judge made it a  
22 condition of your probation to complete this secondary  
23 fence, would you consider that a reasonable term of  
24 your probation?

25 A. Certainly.

1 Q. To, say, complete the fence in 90 days?

2 A. Certainly. And we're talking about enough --  
3 the stack of fencing is three feet tall. We're talking  
4 about fencing off an acre and a half. And doing it  
5 myself, it just takes some time. So it's not a  
6 situation where I can go out there and in a week put up  
7 this fence.

8 Q. Okay. But if it were a term of your probation  
9 to, say, complete it within 90 days, would that be  
10 feasible?

11 A. Yeah. I think three months would be  
12 reasonable, and I would do everything possible.  
13 Because I know January is certainly going to be a hard  
14 month. February, the beginning is not so good. But  
15 the middle of February, it's usually getting better to  
16 where you can do work outside and...

17 MR. WITHERINGTON: Thank you, Mr. Parsons.

18 GENERAL FREELAND: No further questions.

19 THE COURT: You can step around.

20 (Witness excused.)

21 MR. WITHERINGTON: No further proof, Your  
22 Honor.

23 THE COURT: The defendant presented this same  
24 statement of how the events unfolded to the jury. The  
25 jury rejected the defendant's version and accredited

1 the testimony of the victims, Mr. King and Mr. Laxton.

2 The defendant still fails to appreciate the  
3 wrongfulness of his actions, where he held a loaded  
4 handgun to the head of the victims and threatened to  
5 kill them.

6 The request for a diversion of the sentencing  
7 hearing will be denied, so we can proceed to  
8 sentencing.

9 Does the State have anything else to present  
10 other than --

11 GENERAL FREELAND: No, sir. We would submit  
12 it on the facts that came out at trial and the  
13 presentence report and Mr. Parsons' testimony.

14 MR. WITHERINGTON: Your Honor, we'd submit to  
15 the Court that under 40-35-113 that mitigating factors  
16 number two, three, seven, and then nine through 12  
17 apply on his behalf, that being that he acted on strong  
18 provocation.

19 Your Honor, of course, I wasn't present at  
20 trial, but it's my understanding of the facts and based  
21 on what I've seen today that clearly, you know, he  
22 acted under strong provocation, you know.

23 And the Court has, I know, heard his share of  
24 animal cases, and they're emotional. I mean, they are  
25 always something people want to avoid even touching,

1 his attorneys, because the emotions run so strong. So  
2 clearly he did act under strong provocation.

3 And although the grounds, and as Your Honor  
4 just stated, the grounds didn't exist, at least in the  
5 jury's eyes, to justify self-defense, a finding of  
6 self-defense as an affirmative defense, and they, of  
7 course, didn't find that he was properly effecting a  
8 citizen's arrest, that substantial grounds existed,  
9 under subsection 3, tending to excuse or justify his  
10 conduct.

11 And, Your Honor, under subsection 9, I think  
12 it's not disputed, at least, that he assisted the  
13 authorities, and at least he felt also that under the  
14 circumstances that he was effecting his own citizen's  
15 arrest. So, of course, he was cooperating with the  
16 authorities when they came, in order to turn over all  
17 of the appropriate evidence and so forth that he had  
18 seized.

19 And that also applies for subsection 10, in  
20 assisting with property.

21 And, Your Honor, these are unusual  
22 circumstances. I mean, whether there -- whether his  
23 dogs have gotten out in the past or not, to see your  
24 dog shot, you know, in front of your face and to have  
25 bullets, you know, whizzing at your wife or in the

1 direction of your wife, those are unusual, and that's  
2 not something -- it's not something that I've heard of  
3 coming around. It's kind of bizarre. And, you know,  
4 we think that fits squarely within subsection 11, where  
5 it says that he committed the offense under  
6 circumstances where it's unlikely to happen again.

7 And he's stated to the Court that he would  
8 build this secondary fence, and he's already obtained  
9 the materials, so that is something we think will avoid  
10 this in the future.

11 And, Your Honor, it appears that through --  
12 I'm not political myself, but from what I understand,  
13 at least, from Mr. Parsons' testimony today and what  
14 little I've seen in the record, that over the course of  
15 his life, the only things that have drug him into court  
16 are incidents with these dogs getting out, whether he  
17 socked some guy in the nose or whether he's been sued  
18 or sued someone else over the dogs.

19 It appears that -- I know this is not  
20 necessarily the words that Mr. Parsons used on the  
21 stand, but it appears, looking at it, that but for the  
22 dogs getting out, that Mr. Parsons would not have ever  
23 seen the inside of a courtroom. And we submit to Your  
24 Honor that with the completion of this secondary fence  
25 that that's an incident that's not likely to happen

1       again.

2                   And we'd ask that Your Honor show him mercy in  
3       sentencing and find that these mitigating factors  
4       apply.

5                   THE COURT:   Okay.   General.

6                   GENERAL FREELAND:   Yes, sir.   Your Honor, I  
7       don't think these are unusual circumstances at all from  
8       the proof.   Now, it's unusual if you add the details  
9       about bullets whizzing past his ears and in the  
10      direction of his wife, but I don't think that's borne  
11      out by the facts, and it's not supported by the jury's  
12      verdict.

13                   It's not unusual circumstance that these  
14      hybrids get out.   They've been getting out for six  
15      years.   It's resulted in, according to Mr. Parsons,  
16      three of them being killed, which I guess would be two  
17      in addition to the hybrid that was killed in this  
18      incident.   It's led to his punching neighbors in the  
19      nose and breaking their nose.   It's nothing unusual  
20      about it at all.

21                   I don't think -- and Mr. Parsons has been  
22      saying he'd take care of the problem, by his testimony,  
23      for six years.   I can't imagine the wall that would be  
24      necessary to keep this from happening again.

25                   As far as his amenability to probation, I

1 think that it's important, and Your Honor has heard  
2 Mr. Parsons testify on numerous occasions, to  
3 appreciate what his version of reality is as far as his  
4 representation of attorneys, as far as his belief that  
5 everybody that has lived here from birth or for the  
6 last 20 years is against him, that there's some  
7 conspiracy, that the district attorney's office is  
8 conspiring against him, that officers are conspiring  
9 against him, that his attorneys are assaulting him,  
10 that Your Honor is conspiring against him, that  
11 assistant district attorneys are conspiring against  
12 him, his view of the law, of what's civil, of what's  
13 criminal, of who determines the law, all of it goes to  
14 show that he is a man out of touch with reality, who  
15 will not be amenable to any terms of probation unless  
16 he passes on their reasonableness.

17 And if Mr. Parsons is the arbiter of what is  
18 reasonable, I submit that he's going to be  
19 manipulative, he's going to assert his control over  
20 things, just as he has or attempted to have over this  
21 system. And my prediction is he's not amenable to  
22 probation. It won't work.

23 THE COURT: Okay. Is there anything else you  
24 want to present with regard to sentencing?

25 MR. WITHERINGTON: No, sir.

1           THE COURT: While there's been a lot of focus  
2     on the hybrids, the Court feels like the focus should  
3     be on the actions of Mr. Parsons and his confrontations  
4     with the neighbors. The jury accredited the testimony  
5     of the victims. The jury also heard a recording of the  
6     actual incident itself. And the jury has rejected the  
7     version that Mr. Parsons presented to the jury, which  
8     is the same as he presented here today.

9           The Court has considered the evidence received  
10    at trial, the evidence received today, the presentence  
11    report, the principles of sentencing, and arguments as  
12    to sentencing alternatives, the nature and  
13    characteristics of the criminal conduct involved, the  
14    evidence and information offered by the defendant on  
15    the mitigating factors, the statement that the  
16    defendant made in his own behalf, and the need to  
17    impose a sentence to reflect the seriousness of the  
18    offense, to promote respect for law, and to provide  
19    just punishment.

20           The defendant is a standard offender.

21           The Court finds there are no statutory  
22    mitigating factors that apply.

23           The victims in this case were threatened with  
24    serious bodily injury. The defendant put a weapon to  
25    the head of the victims, told them he would kill them



1 if they did not do as he demanded.

2 There was provocation, according to the  
3 defendant's view, but the jury rejected that view.

4 The defendant acted out of anger. The jury  
5 heard the actual tape recording of the incident  
6 itself. The defendant acted with the belief he could  
7 do whatever he wanted. The jury accredited the  
8 testimony of the victims, that the wolf was charging  
9 and that Mr. Laxton was justified in his actions.

10 Nick King had done nothing toward the  
11 defendant. He was working and minding his own  
12 business, yet Mr. Parsons placed a gun on him,  
13 threatened him, and continues to express that everyone  
14 else is in the wrong and that he acted appropriately.

15 Despite what the defendant alleges, there are  
16 not substantial grounds, in this Court's opinion, to  
17 excuse or justify his conduct.

18 The Court finds it's a proper case to sentence  
19 the defendant, however, to the presumptive or minimum  
20 sentence, and the Court sentences the defendant to  
21 three years as a standard offender in Count 3. He will  
22 be given credit of time served in September of '07,  
23 July of '08, June of '09, and from November 23rd until  
24 today.

25 He is sentenced to four years -- I'm sorry --

1 three years in Count 4 as a standard offender, to one  
2 year as a standard offender in Count 5, and to 11  
3 months and 29 days in Counts 6 and 7 for the  
4 misdemeanor offenses of theft.

5 The Court finds, from the evidence, that the  
6 defendant is a dangerous offender. His behavior  
7 indicates little or no regard for human life. He had  
8 no hesitation about committing a crime in which the  
9 risk to human life was high.

10 He accosted his neighbors with a loaded  
11 weapon, threatening to kill them if they didn't do as  
12 he demanded. He held them under gun or threat of gun  
13 while he took their property.

14 And the Court finds that consecutive  
15 sentencing is reasonably related to the severity of the  
16 offenses committed, that it serves the need to avoid  
17 deprecating the seriousness of these offenses from the  
18 actions of the defendant, serves to protect society  
19 from further criminal acts by the defendant who  
20 resorted to aggravated criminal conduct, and are  
21 generally congruent with the principles of sentencing.

22 The consecutive sentences are justly deserved  
23 in relation to the seriousness of the offenses and no  
24 greater than deserved for the offenses committed.

25 So the Court sentences the defendant to three

1 years as a standard offender in Count 3, Count 4 will  
2 be consecutive, Count 5 will be consecutive, for an  
3 effective sentence of seven years. The misdemeanor  
4 sentences will run concurrent with the first three-year  
5 sentence.

6 The Court finds that alternate sentencing is  
7 not appropriate in this case. The offenses involved a  
8 handgun. The defendant is not an eligible offender.  
9 He was convicted of offenses involving crimes against a  
10 person, violent offenses, and offenses in which the use  
11 or possession of a weapon was involved. And therefore,  
12 under T.C.A. 40-36-106, is not an eligible candidate  
13 for alternate sentencing.

14 The Court further doesn't feel it's a proper  
15 case for probation, and that confinement is necessary  
16 to protect society and avoid deprecating the  
17 seriousness of these offenses.

18 The Court would ask Mr. Witherington to  
19 represent the defendant on appeal, if he desires to  
20 appeal his conviction or sentence.

21 The Motion for New Trial needs to be filed  
22 within 30 days.

23 MR. WITHERINGTON: Yes, sir. Thank you, Your  
24 Honor.

25 THE COURT: Counsel filed a Motion for bond to

1 be reinstated, and the defendant filed, pro se, a  
2 Motion for bond to be reinstated pending appeal.

3 Bond was revoked after the verdict, pursuant  
4 to T.C.A. 40-11-113 and T.C.A. 40-35-116. The  
5 Constitutional right to bail is extinguished upon  
6 conviction, and a convicted person is not entitled to  
7 bail as a matter of right pending appeal. The right to  
8 bond is subordinate to the public needs and well-being  
9 of society, and the Court believes that the defendant  
10 poses a threat to other persons in the community, and  
11 the bond -- the Court declines the request to reinstate  
12 bond. It will remain revoked pending appeal.

13 Is there anything else we need to cover  
14 today?

15 MR. WITHERINGTON: No, sir.

16 THE COURT: We stand in recess for a  
17 ten-minute break.

18

19 (End of requested proceedings.)

20

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CERTIFICATE

I, the undersigned Lynn S. Terrell, Official Court Reporter for the Twenty-fifth Judicial District of the State of Tennessee, and Notary Public at Large, do hereby certify the foregoing to be a true, accurate, and complete transcript, to the best of my knowledge and ability, of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Tipton County, Tennessee, on the 8th day of January 2010.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Dated this 22nd day of June 2010.

 **COPY**

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Lynn S. Terrell  
Official Court Reporter  
State of Tennessee  
Notary Public at Large

My commission expires September 14, 2011.